

ERNEST J. BROOKS, III, T-61049
C.S.A.T.F. E3-143L
P.O. BOX 5242
900 QUEBEC AVENUE
CORCORAN, CA 93212-5242

In Propria Persona

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY RM DEPUTY

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JUL 10 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ERNEST J. BROOKS, III,

Petitioner,

v.

KEN CLARK, Warden,

Respondent.

CASE NO. 08-cv0125-JM (BLM)

**EX-PARTE MOTION FOR
ENLARGEMENT OF TIME.**

COMES NOW PETITIONER ERNEST J. BROOKS, III, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, to request this Honorable Court order an enlargement of time in which to file a Traverse to Respondents Answer to the Petition for Writ of Habeas Corpus in the above-captioned case.

Petitioner's Traverse is due on or before July 12, 2008. Petitioner requests an enlargement of time of thirty days, to August 12, 2008, to file the Traverse.

Petitioner has not requested any previous extensions.

When a prison inmate's legal "work product" exceeds the maximum allowed storage space for the inmate's housing unit, the

1 inmate is allowed to store his legal documents in a secured
2 storage area provided by California Department of Corrections and
3 Rehabilitations (CDCR). An inmate must request to store or
4 retrieve documents from the storage area. In this instant,
5 Petitioner's legal documents exceeded the maximum allowable limit
6 for his legal documents and Petitioner requested to store his
7 legal material in the secured storage area. Since April 2008,
8 Petitioner has made numerous oral and/or written requests to be
9 escorted to the secure storage area, in order to retrieve legal
10 transcripts and other documents directly related to this instant
11 petition. As of the date of this Motion, Petitioner has not
12 received or has been able to retrieve any of his legal documents.
13 As a result, Petitioner cannot provide the documents that could
14 support the contentions (as exhibits) in his Traverse.

15 For the foregoing reasons, Petitioner respectfully
16 requests this Court grant the enlargement of time to August 12,
17 2008 to file the Traverse to Respondents Answer to Petitioner's
18 Habeas Corpus Petition.

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20 Dated: July 7, 2008

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24 Ernest J. Brooks, III, Petitioner, in Pro Per
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PROOF OF SERVICE BY MAIL

CASE NAME: **BROOKS v. CLARK**

CASE NUMBER: **08cv0125 JM (BLM)**

I, Ernest J. Brooks, III, hereby declare as follows:

I am 18 years of age and a party to this action. I am a resident/inmate at the California Substance Abuse Treatment Facility & State Prison, in the City of Corcoran, County of Kings, State of California. My prison address is: P.O. BOX 5242, 900 Quebec Avenue, Corcoran, CA 93212.

On 7/7/2008, I served the attached:

EX-PARTE MOTION FOR ENLARGEMENT OF TIME

_____, on the above captioned party, by placing a true and correct copy thereof, enclosed in a sealed envelope, with postage fully pre-paid, thereon. The envelope was then addressed as follows:

ELIZABETH A. HARTWIG, (SBN 91991)
Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL
110 West A STREET, SUITE 1100
SAN DIEGO, CA 92101

I then presented the envelope to the Correction Officer, for deposit in the United States Mail Receptacle, so provided at the above named correction facility, in accordance with Institution Mail pick-up policy and procedures.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Dated: 7/7/2008, at 2030 hours, by



Ernest J. Brooks, III, Declarant

PROOF OF SERVICE BY MAIL